REMARKS

In the Final Office Action, the Examiner maintained the rejection of claims 14-16, 19, and 21 under 35 U.S.C. §102(b) as being anticipated by Itami et al. (U.S. Patent No. 5,418,852); and the rejection of claims 17, 18, 20, 22, and 23 under 35 U.S.C. §103(a) as being unpatentable over Itami et al. and Sako et al. (EP Patent Application No. 0 794 496 A1).

Applicants have amended claim 14 to more appropriately define their invention and amended claims 21 and 22 to correct informalities. Claims 14, 15, and 17-23 remain pending.

Applicants submit that the rejection of claims 14-16, 19, and 21 under 35 U.S.C. § 102(b) is improper because Itami et al. fails to teach each and every element of independent claims 14 and 21. Claim 14 recites a combination including *inter alia*, "embedding the identification information to a part of said main body of data to which an error correction encoding has been performed based on position information" and "embedding the position information after embedding the identification information to a part of said main body of data to which an error correction encoding has been performed." Itami et al. fails to disclose at least these claim elements.

The Examiner alleges that these elements are taught by Itami et al. at col. 14, lines 50-67. However, in col. 14, lines 50-59, Itami et al. specifically teaches:

> [t]he ID data is not limited to the above-mentioned ID data. For example, the ID data can be simple flag data. In the above-mentioned embodiments of the present invention, data (ID data, for example) necessary to read desired data from the user accessible area is recorded on the user inaccessible area that cannot be accessed in the normal mode. However, it is possible to record the ID data on the user accessible area by using an error correction code (ECC) recorded on a sector area accessible in the normal mode.

These teachings cannot constitute a teaching of "embedding the identification information to a part of said main body of data to which an error correction encoding has been performed based on position information" and "embedding the position information after embedding the identification information to a part of said main body of data to which an error correction encoding has been performed" as recited in claim 14. Furthermore, at col. 14, lines 60-68, Itami et al. discloses:

> [n]ormally, as shown in FIG. 25, a data field Ad in each sector is followed by an ECC area Ae into which ECC data corresponding to the data field Ad can be written. The ECC data is automatically computed from data written into the corresponding data field Ad when the above data is written into the corresponding field Ad. Normally, taking into account a case where data error is not completely corrected by the ECC data, a parity sector is provided in each track.

These teachings also cannot constitute "embedding the identification information to a part of said main body of data to which an error correction encoding has been performed based on position information" and "embedding the position information after embedding the identification information to a part of said main body of data to which an error correction encoding has been performed," as recited in claim 14. That is, as illustrated in FIG. 25 of Itami et al., a sector including a data field followed by an ECC area is not sufficient to show a teaching of "embedding the position information to a part of said main body of data to which an error correction encoding has been performed," as recited in claim 14. Indeed, Itami et al. is silent as to storing or embedding of any position information. Therefore claim 14 is allowable over Itami et al.

Independent claim 21, although of different scope, includes limitations generally corresponding to those of claim 14 discussed above. Therefore, claim 21 is also patentable over Itami et al.

Claims 15 and 17-20 depend from claim 14 and are thus also allowable over Itami et al. for at least the same reasons as claim 14. Further, we note that claim 16 was canceled in the Amendment dated June 22, 2005 and, therefore, the Examiner's rejection of claim 16 is moot.

Applicants traverse the rejection of claims 17, 18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Itami et al. in view of Sako et al. At the very least, by virtue of their dependence from independent claim 14, claims 17, 18, and 20 are also allowable over Itami et al. at least for the same reasons as claim 14.

Furthermore, Sako et al. does not cure the deficiencies of Itami et al. The Examiner has failed to show that Sako et al. teaches or suggests "embedding the identification information to a part of said main body of data to which an error correction encoding has been performed based on position information" and "embedding the position information after embedding the identification information to a part of said main body of data to which an error correction encoding has been performed," as recited in claim 14. Thus, neither Itami et al. nor Sako et al., taken alone or in any proper combination, recite all the elements of claim 14 and its dependent claims.

Claim 22, although of different scope, recites elements similar to those discussed with regard to claim 14. Claim 23 depends from claim 22 and recites additional novel features. Accordingly, claims 22 and 23 are also allowable.

In view of the above amendments and remarks, Applicants request reconsideration of this application and the allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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